Many Americans are unaware that the U.S. has more youth in its workplaces than any other developed country in the world. For example, each summer more than 3 million teenagers leave their studies to find work. While this initiative bodes well for the future workforce of this country, there is an unfortunate downside to this trend. According to NIOSH, about 60 to 70 teenagers die from work-related injuries each year and more than 200,000 are injured at work, with more than 77,000 injured seriously enough to require emergency-room treatment.

This article focuses on some factors that lead to these unfortunate statistics and discusses liability issues and recommendations for employers.

Causative Factors
Both the federal and state governments have been studying this phenomenon for many years to try to identify the causative factors. Several salient characteristics of younger workers (identified as those between ages 14 and 24) appear to underlie the incident statistics.
• Younger workers simply are inexperienced with the basic concept of being in a workplace for a defined period of time to perform continuous tasks.
• Younger workers are still in the development stages and lack the physical, cognitive and emotional characteristics to interface or to appreciate workplace conditions, including physical labor, machinery, production deadlines and the discipline required to work.
• Younger workers are often hesitant to be assertive and to ask questions about workplace conditions that they do not fully comprehend.
• Younger workers lack practical prior life experience to recognize various workplace dangers.
• Younger workers may have language or other cultural characteristics that create barriers to understanding employment safety and health training or policies.
OSHA has developed a Young Worker Initiative to focus on the safety and health of this group and provide outreach. This information can be accessed at www.osha.gov.

Prohibited Work Activities
Within the category of younger workers, numerous federal and state laws and regulations prohibit certain workers who are younger than age 18 from performing specific work tasks specified as hazardous occupational activities because of the potential for serious injury. The federal Fair Labor Standards Act (FLSA) and regulations issued under its regulatory authority identify those hazardous occupational activities (although state laws may contain more restrictive limitations), including:
• driving a motor vehicle and being an outside helper on a motor vehicle;
• operating power-driven metal-forming, punching and shearing machines;
• operating circular saws, band saws and guillotine shears.

It is beyond the scope of this article to discuss all of these prohibited activities that are unsafe for employees between ages 16 and 18 years. To ensure that younger workers are not engaged in these activities, the employer must consult information found at www.dol.gov/esa/reqs/compliance/whd/wdfs43.htm, as well as state laws.

OSHA Regulations
Employers are also required to protect younger workers against hazards that are identified in specific regulations or recognized under the General Duty clause [Section 5(a)(1)] of the OSHA Act. Since younger workers will likely have no prior experience with this law or the regulations, training will need to be more comprehensive because these workers have no prior knowledge baseline from which to assimilate the new information.

The employer should be prepared to train and document such training for the following areas (assuming that the younger employee is of legal age to engage in these activities).

Specific Regulations
• emergency evacuation in the event of fire or other emergency (29 CFR 1910.38) or its equivalent outside of general industry, for example, the construction industry;
• PPE (29 CFR 1910.132, et seq.);
• HazCom (29 CFR 1910.1200);
• machine guarding (29 CFR 1910.212, et seq.);
• lockout/tagout (29 CFR 1910.147);
• powered industrial trucks (forklifts) (29 CFR 1910.178);
• duty to immediately report injuries or illnesses for OSHA for purposes of recording injuries and illnesses on the OSHA 300 log.

General Duty Clause
In addition, young employees must be trained regarding hazards not addressed in specific regulations, including:
• workplace violence awareness and prevention;
• ergonomic hazards;
• heat stress, frostbite and other environmental conditions.

In addition, these employees must be informed of their right to engage in "protected activity" such
as reporting safety and health hazards to the employer and that they will not suffer any form of retaliation for such activity. Not only is this a requirement of the law, as employees are protected from retaliation under Section 11(c) of the act, but younger workers may be fearful of bringing such concerns to the employer because of their immaturity, and such failure can result in their continued exposure to and injury from a hazard they do not appreciate.

**Workers’ Compensation**

Any employee who is injured in the workplace has a statutory right to workers’ compensation benefits for such injury. Younger employees may be totally unaware of these rights and, as a result, fail to (or be financially unable to) obtain prompt reasonable medical care; this can result in an aggravation of such injury or illness. The employee also may choose not to report the injury fearing a negative reaction from the employer. The employee must be advised that the employer will not take adverse action against the employee because the injury occurred. However, it is important to mention that the employer may be required to issue disciplinary action if a safety rule has been violated that may have caused the injury.

**Employment Discrimination**

Finally, the employer is required to inform the employee about its employment law policies intended to protect employees against all forms of discrimination in the workplace, including harassment based on sex, race and other protected categories. This duty extends to informing employees of their obligation to promptly report to the employer any form of harassment so that a timely investigation can be conducted and any necessary remedial action can be taken. This is a significant area of potential liability as the U.S. Equal Employment Opportunity Commission (EEOC) has recently issued high-profile discrimination charges, with multimillion dollar liabilities, to employers when the EEOC believes that younger female and minority employees have been subjected to any form of harassment in the workplace. Several of these charges have involved class-action liabilities.

**Conclusion**

When an employer hires a younger worker, the employer’s legal obligations under the foregoing laws are frequently expanded because younger workers lack the skills to respond to workplace safety or health hazards, or to assert their rights to be protected against injury or employment discrimination. As a result, these liabilities can be substantially enhanced. The foregoing recommendations will help the employer reduce or eliminate these potential liabilities.

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